

1 Diana M. Torres (S.B.N. 162284)
2 diana.torres@kirkland.com
3 Beth M. Weinstein (S.B.N. 252334)
4 beth.weinstein@kirkland.com
5 KIRKLAND & ELLIS LLP
6 333 South Hope Street
7 Los Angeles, California 90071
8 Telephone: (213) 680-8400
9 Facsimile: (213) 680-8500

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10 Attorneys for Defendant
11 VICTORIA'S SECRET STORES BRAND
12 MANAGEMENT, INC.

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 AIRS AROMATICS, LLC, a Delaware
17 Limited Liability Company with its
18 principal place of business in
19 Wilmington, DE

20 Plaintiff,

21 vs.

22 VICTORIA'S SECRET STORES
23 BRAND MANAGEMENT, INC., a
24 Delaware Corporation with its principal
25 place of business in Reynoldsburg, OH,
26 et al.

27 Defendant.

) Case No. 2:11-CV-04718-R (JC)

)
) **ORDER GRANTING DEFENDANT**
) **VICTORIA'S SECRET STORES**
) **BRAND MANAGEMENT, INC.'S**
) **MOTION TO DISMISS OR, IN THE**
) **ALTERNATIVE, MOTION TO**
) **TRANSFER**

) Complaint Served: September 12, 2011

) Judge: Hon. Manuel L. Real

) Courtroom: 8

) Hearing Date: November 28, 2011

) Hearing Time: 10:00 am.

28 [Proposed] Order Granting Victoria's Secret
Stores Brand Management, Inc.'s Motion to
Dismiss or, in the Alternative, to Transfer
Venue

ORDER

Defendant Victoria's Secret Stores Brand Management, Inc.'s ("Victoria's Secret") Motion to Dismiss or In the Alternative to Transfer Venue was heard before the Honorable Manuel L. Real on November 28, 2011.

For the reasons set forth on the record at the hearing, a copy of the transcript of which is attached hereto as Exhibit A, Victoria's Secret's MOTION TO DISMISS IS GRANTED WITH PREJUDICE.

Both parties submitted unopposed Requests for Judicial Notice in connection with the briefing on this Motion. Both requests are hereby GRANTED.

Leave to amend is DENIED. Plaintiff, following a meet-and-confer between counsel, amended its Complaint and filed its First Amended Complaint, which is the subject of this Motion. Despite filing its First Amended Complaint, Plaintiff did not cure the deficiencies associated with its claims. Neither did Plaintiff, in its Opposition to this Motion or during argument, proffer any additional facts, which if taken as true, could cure the deficiencies in its First Amended Complaint. Moreover, because the unambiguous contract at issue and the facts judicially-noticed demonstrate that Plaintiff cannot cure the deficiencies associated with its claims, the granting of any leave to amend would be futile.

In light of the Court's dismissal of Plaintiff's claims, Victoria's Secret's Motion to Transfer Venue to the United States District Court for the District of Delaware is DENIED as moot.

Dated: January 20, 2012



Hon. Manuel L. Real
United States District Judge